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C O N F I D E N T I A L SECTION 01 OF 03 KHARTOUM 000044

SIPDIS

DEPT FOR AF A/S FRAZER, SE WILLIAMSON, AF/SPG, AF/C
NSC FOR PITTMAN AND HUDSON
DEPT PLS PASS USAID FOR AFR/SUDAN

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TAGS: [ASEC](#) [PGOV](#) [PREL](#) [SOCI](#) [KDEM](#) [SU](#)
SUBJECT: RESPONSIBILITIES FOR ALL: FOR THE USG TO DECIDE
WHAT IT WANTS IN DARFUR AND FOR THE GOS TO MAKE ITS CASE

REF: A. KHARTOUM 015
[1](#)B. 08 KHARTOUM 1510

Classified By: Charge d'Affaires Alberto M. Fernandez, reasons 1.4(b) and (d)

SUMMARY

[1](#)1. (C) NCP strategist Sayed Al-Khateeb told CDA Fernandez that the NCP regime will not act irrationally when an ICC indictment of GoS President Omar Al-Bashir is handed down, but warned, just like many other NCP officials have, that the GoS may not be able to fully control the actions of non-governmental actors. He explained that while not a party to the ICC, the US still has the opportunity to call for a 12-month deferral of the indictment which would provide the regime with more time to make further progress on solving the Darfur crisis. Al-Khateeb expressed his frustration with the US refusal thus far to provide the GoS with an "endgame" for Darfur, which would illustrate what its minimum requirements are for working with the GoS regime to reach such a point. He warned that if that the new US administration placed "extreme pressure" on the Sudanese regime, the country (and region) could implode, causing a situation worse than we've witnessed in Iraq. Khateeb recognized that the two most important questions for the new administration to answer are: (1) what would an acceptable endgame in Darfur look like, and (2) what is the nature of the USG relationship with the GoS/NCP. CDA told Al-Khateeb that the NCP has the opportunity to push the debate on Sudan policy under the new US administration in the "right direction" by pro-actively improving the situation in Darfur and speeding up CPA implementation and urged it to do so. End Summary.

"IF THINGS EXPLODE, IT WILL NOT BE BECAUSE THE NCP WANTS THEM TO"

[1](#)2. (C) Charge d'Affaires met with NCP strategist Dr. Sayed Al-Khateeb on 12 January to discuss possible GoS responses to a looming ICC indictment of GoS President Omar Al-Bashir. "Our sense is that the GoS and the NCP are going to be cautious and deliberate" in their response to an indictment and not make any rash decisions, posited CDA. Al-Khateeb, who is also the Director of Sudan's Center for Strategic Studies, reassured the CDA that the regime "will be careful" in its response. "If things explode, it will not be because the NCP wants them to," he said. We may expect stupid people to do stupid things, but there is no intent to "go that way," said Al-Khateeb. Khateeb told Fernandez to expect "mobilization" of people at the grassroots level to protest the indictment and perhaps a Sudanese peoples' memoranda to

the UN expressing anger over the indictment. There will be no (GoS/NCP) acts of hostility against the UN or other diplomatic missions because this would not be in the interest of the GoS or the NCP, said Al-Khateeb. The UN should not be overly concerned about (GoS retribution for) the indictment because the UN's (UNMIS and UNAMID) mandate in Sudan has "nothing to do with the ICC", he added. It's possible, however, that there will be "irresponsibility on behalf of other actors." In the same breath, Al-Khateeb told CDA that the USG "could do something about it (the indictment)," so as to avoid or delay the uncertainty of the situation completely. While the US is not a member of the ICC, you could do something positive on the Security Council by calling for a deferment, said Al-Khateeb. If the indictment is slowed down by 12 months, it will "help a lot." Al-Khateeb warned that an indictment now would almost assuredly slow down the progress that the GoS has made to solve the Darfur crisis and enhance CPA implementation in recent months. The post-indictment environment might be "extremely difficult" for us to work in, he said, noting that rebel groups and even some of Sudan's neighbors could take advantage of an unsettled situation in the country.

BE CLEAR WITH US ON A DARFUR ENDGAME, SAYS AL-KHATEEB

13. (C) Western nations, and in particular the US, believe that they must put extreme pressure on Sudan in order for it to behave, said Al-Khateeb. "I agree that mild, good, and proportional pressure" which lets us know that "time is of the essence" can be good for us, but sometimes extreme pressure can be crippling, he said. Al-Khateeb also

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expressed the need for nations, particularly the US and France, to be clear with the GoS about what they hope to see as the endgame in Darfur. "People knew in 2002 that the endgame was that the North/South war had to stop; people knew that was what the US wanted to see, said Al-Khateeb. Knowing that a ceasefire was the endgame went a long way towards bringing the North and South together. "People must know what the consequences will be" if they choose not to follow the USG's advice, he said. "This is all we ask of you - that you let us know what you wish to see in Darfur and that you make it clear to us what the consequences are if we do not follow your advice." Al-Khateeb responded that armed groups will always be a threat until a political agreement is reached. "Once we negotiate, we can agree on a ceasefire," he said. CDA pointed out that the rebels often appeared more scared of the NCP's negotiation skills and political manipulation than its military might.

LOOKING TO THE NEW US ADMINISTRATION

14. (C) Al-Khateeb questioned CDA Fernandez about how a new US administration will interface with Sudan. He was most concerned about the level of intimacy the new administration will have with the SPLM and wondered how it will view the idea of Sudanese unity post-2011. CDA told Al-Khateeb that the administration will certainly not give the SPLM carte blanche to do whatever it wants and stated that it was necessary for the SPLM to be aware of this but that, of course, we have and will have a positive relationship with the SPLM. On the question of unity, the CDA noted that what is more important than Sudan's decision of unity or separation is "what kind of unity" and "what kind of separation," urging greater attention to post-2011 planning. Al-Khateeb agreed and said that the GoS and the Government of Southern Sudan (GoSS) have hardly begun to think about what either scenario would look like and that both sides have to start thinking about these issues now. He went on to say that the SPLM is not interested in having 2009 national and legislative elections and if the SPLM continues to be unclear about its position on elections, the NCP will "press on with elections" in 2009 using "whatever date is practical."

Al-Khateeb acknowledged that both the NCP and the SPLM are playing a game of bluff against one another on elections and stated that both sides "have to be prepared for their bluffs to be called." The NCP is prepared, but is the SPLM?

15. (C) In keeping with his theme in meetings past of the need for there to be a smooth transition between US administrations on US-Sudan relations, Al-Khateeb reiterated that "talking throughout the transition" is important (ref b). While administrations change, the institutions remain, noted Khateeb. Al-Khateeb recognized that the two most important questions the new US administration must answer are: (1) what would an acceptable endgame in Darfur look like, and (2) what should be the nature of the USG relationship with the GoS/NCP. "You can bring this government down, but if you bring this government down with extreme pressure, the situation will be worse than that of Iraq," warned Al-Khateeb. He warned that an all-out implosion, not just of Sudan, but of the region, is possible. "The most important thing for us to do now is to bring peace to Darfur," stated Khateeb, "and the second most important thing is then to have Sudanese elections." CDA pointed out that the GoS/NCP could push the public debate on the USG's policy on Sudan "in the right direction" by taking positive, pro-active action now on Darfur and CPA implementation and encouraged it to do so by taking the opportunity to positively impact the way the new administration, and anyone else who may have serious doubts about the NCP, views Sudan.

COMMENT

16. (C) Like other NCP officials (reftels) Al-Khateeb was careful to warn of a potential backlash following an ICC indictment while reassuring us that the GoS does not plan to carry out hostile acts against the UN or other diplomatic missions in Sudan. One of the lead NCP negotiators of the Comprehensive Peace Agreement at Naivasha, Khateeb always urges dialogue and has been focusing heavily on the transition between US administrations. On previous occasions he has noted that the seeds of the 2005 Comprehensive Peace Agreement (CPA) were planted in the waning years of the Clinton administration. He is hoping this relative success

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story will persuade the new US administration that there is value in engaging with a dubious Sudanese regime that has recently been on its best behavior -- as seen in the immediate approval of the DoD airlift of Rwandan troops and greater openness to proposals on Darfur demonstrated at the Sudan Peoples' Initiative and in discussions with Chief Mediator Bassole. Additional progress may be made if we engage in the right way, not only by holding the NCP fully accountable for its actions, but also by defining clear benchmarks for progress in Darfur, based on a realistic vision of what is possible given the complex reality of tribal disputes in the war-torn region, a reality made infinitely worse by conscious decisions taken by a regime which now pleads for more time and more chances.
FERNANDEZ